

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION**

**IN RE: LESLIE TIDWELL JACKSON A/K/A
 LESLIE KAY JACKSON,
 Debtor**

**Case No. 09-34904-RSJ
Chapter 7**

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the clerk of the court at 800 Market Street, Suite 330, Knoxville, TN 37902, an objection within 15 (fifteen) days from the date this paper was filed and serve a copy on the movant's attorney, Wilson & Associates, 109 Northshore Drive, Suite 302, Knoxville, Tennessee 37919. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

**MOTION FOR ABANDONMENT AND RELIEF FROM THE AUTOMATIC STAY
PROVISIONS OF THE BANKRUPTCY CODE**

Comes now Saxon Mortgage Services, Inc., through counsel, and for its Motion for Abandonment and Relief from the Automatic Stay, states:

1. It is the servicer of the deed of trust and deed of trust note originally executed by Lyndon C. Jackson and Leslie T. Jackson on October 24, 2005, securing payment in the principal sum of \$168,800.00 to Taylor, Bean, & Whitaker Mortgage Corp. This deed of trust covers the real property located at 115 Gaskin Circle, Wartburg, Tennessee 37887, said real property being more particularly described as follows:

BEGINNING on an iron pin with white pine pointers, being a south east corner to the David Pass tract and a southwest corner to the Dean Tidwell 0.72 acre tract, located in the Mossey Grove Community being in the 4th civil Dist. of Morgan County, Tennessee, Thence from the beginning following with the southwest line of the Dean Tidwells 0.72 acre tract at S 36°00' E 84.80 feet to an iron post; thence S 44°21' W 100.86 feet to an iron pin, said corner referenced to and standing at a point Due West 2.3 feet from a 10° twin popular tree, thence S 84° 56' N 155.80 feet to an iron pin with hickory pointers, thence N 33° 34' W 178 feet to an iron pin, being a south west corner to the Mike Hamm tract, thence following with Hamms south line at N 88° 43" E

274.80 feet to an iron pin, being the point of beginning, containing 0.82 of an acre, more or less.

INCLUDING, the following described Road Right of Way Easement conveyed to Mike and Dara Hamm and Lyndon and Leslie Jackson by a RIGHT OF WAY DEED, dated September 6, 1983, from Roger Dean Tidwell, which was recorded in Right of Way Book 3, at

page 375, in the Office of the Register for Morgan County, Tennessee, on September 10, 1983; to wit:

"For Road Right of Way Easement Only"

Carved out of the Dean Tidwell tract, recorded in deed book S, Vol. 6, page 156.

Beginning on a stake at a point S 36 00'E 15 feet from the southeast corner of the David Pass tract, located in the *Massey* Grove Community, being in the 4th Civil Dist. of Morgan County Tennessee, The following three courses and distances are the center line of a 30 foot road right of way easement, being 15 feet on each side of said center line, thence N 25 00'E 76 feet to a stake, thence N 58 30'S 100 feet to a stake, thence N 19 30'E 55 feet to a stake in the south right of way *line* of the Morgan Forest Road.

Copies of the deed of trust and deed of trust note are attached.

2. The Debtor is currently in default under said deed of trust and deed of trust note by virtue of the Debtor's failure to make the full regular monthly installment payments.

3. The Debtor has an approximate outstanding total balance due and owing on this obligation of \$163,190.53, and the obligation is in arrears for the installment which was due on January 1, 2009, in the sum of \$1,270.76, and subsequent installments which were due on the first day of each month thereafter. This failure constitutes a material default, which entitles Movant to relief pursuant to 11 U.S.C. §362(d)(1).

4. Movant would allege and aver that the current value of the collateral is \$157,400.00 per the attached State of Tennessee's Real Estate Assessment Data; that it is entitled to relief from the automatic stay provisions of 11 U.S.C. §362(a); and that it is entitled to have the Trustee abandon its interest in and to the collateral pursuant to the provisions of 11 U.S.C. §554.

5. Furthermore, according to the Chapter 7 Individual Debtor's Statement of Intention, which is attached, the Debtor intends to surrender the collateral. Therefore, the Court should grant Movant relief from the automatic stay to enable Movant to foreclose against and liquidate the property and, if appropriate, to file an unsecured claim in this Chapter 7 proceeding.

6. Movant would allege and aver that this is a core proceeding pursuant to the provisions of 28 U.S.C. §157(b)(2) and the Bankruptcy Rules.

7. Movant requests that Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure not apply in this case, thus permitting it to immediately enforce and implement an order granting relief from the automatic stay.

WHEREFORE, Movant prays:

A. That relief from the automatic stay provisions of 11 U.S.C. §362(d) be granted and that the Trustee be required to abandon its interest in and to the collateral pledged to Movant under the provisions of 11 U.S.C. §554.

B. Alternatively, that the Debtor be allowed to redeem the collateral by payment of all sums due and owing to Movant.

C. That Movant have such other and further relief, both general and specific, to which it may be entitled in the premises, including, but not limited to, a reasonable fee for the services of its attorney.

Respectfully Submitted,

/s/ John R. Roan
John L. Billings (025268)
John R. Roan (026553)
WILSON & ASSOCIATES, P.L.L.C.
109 Northshore Drive, Suite 302
Knoxville, Tennessee 37919
(865) 558-5688

Attorneys for Movant

CERTIFICATE OF SERVICE

On November 25, 2009, copies of the Motion for Abandonment and Relief from the Automatic Stay and Order Granting Motion for Abandonment and Relief from the Automatic Stay were served via United States Mail, postage prepaid, or electronically through the electronic case filing system (ECF) upon:

J. Brent Nolan (ECF)
Attorney at Law
707 Market Street, Second Floor
P. O. Box 1548
Knoxville, TN 37901

Dean B. Farmer (ECF)
Trustee
P.O. Box 869
Knoxville, TN 37901

Leslie Tidwell Jackson a/k/a (U.S. Mail)
Leslie Kay Jackson
Debtor
115 Gaskin Circle
Wartburg, TN 37887

US Trustee (ECF)
Assistant U.S. Trustee
800 Market Street, Suite 114,
Howard H. Baker Jr., U.S. Courthouse
Knoxville, TN 37902

/s/ John R. Roan
John L. Billings
John R. Roan

W&A No. 942-172595
Loan No. xxxxxx0999